Exhibit 4

AFFIDAVIT FOR THE U.S. PATENT OFFICE
UNDER RULE 37 C.F.R. §1.132

I, William H. Fuller, declare the following:

Resume

That I received a bachelor of science degree in engineering physics from the University of Arizona, in 1982;

That I was employed by Internal Anasazi as a systems engineer from 1983 – 1986 on a variety of projects, including work for the PIRCS system which was the first example of interactive television for hotels and the first deployment of the "network computer" concept;

That I was employed by Vidnetics Ltd. as a startup engineer, where I developed an interactive television system for cruise ships and the lodging industry;

That I was employed by Spectradyne/SpectraVision, Inc. and held a number of positions from 1989 to 1996, including Vice President of Engineering, where I oversaw the operation of the first digital television network and the deployment of video servers to 100 Hyatt hotels;

That I was a consulting engineer to DNA Enterprises, Inc., from 1996 - 2001, where I managed the development of software for telecommunications systems;

That I was employed by Celion Networks, as a principal systems engineer, where I was responsible for hardware and optical requirements development;

That I am currently a contract consulting engineer to Flextronics International, DNA Group, where among other duties, I wrote software drivers and GUI applications for a production IC test station.

Preparation

That I have read and understood U.S. Patent No. 5,323,448 to Biggs, et. al. issued on June 21, 1994 (hereinafter "the 448 patent");

That I have read and understood the amended claims for the reissue of the "448 patent."

That I have read the definition of "switched networks" from an excerpt of Newton's Telecom Dictionary, a 1989 printing;

That I have read the definition of "switched networks" from an excerpt of the AT&T "Engineering and Operations in the Bell System", a 1989 printing;

That I have read the definition of "switched networks" from the Federal Standard 1037C, published August 7, 1996.

Analysis

Private Network:

The 448 patent describes a number of alternative networks. For instance, in Figure 1 there is an illustration of a Public Switched network 22 as calls are made to locations outside the hotel. Figure 3 illustrates a local area network (LAN) as the access phone is connected directly to amenities using serial ports. Figure 8 illustrates a ARC Net network to connect operators. Additionally Figure 8 illustrates a private network through a switched network 22 ("the store and forward switch allows the co-located amenity to interface through the switched network 22 directly to the access phone 10 without placing an outgoing call"). The text explains that the access phone in the hotel was connected to a co-located amenity without ever going over the public switched network. This switched network 22 could only have been the PBX in the hotel, as the call never left the hotel. The individual access phones 10 connected through the switched network (PBX) directly to the co-located amenities (movies) "without making an outgoing call." After looking at Figure 8 and reading the associated text in the 448 patent, anyone in the industry would recognize the Figure 8 describes a private switched network. The private switched network would obviously be the switched network 22, the store and forward switch 20, the voice prompt system 130, and the co-located amenity 132, along with a phone connected to switched network 22.

Of course, the terms "private network" and "private switched networks" were well known terms in the industry and refer to a system of equipment and lines (whether leased or not) that can only be used by one organization.

Switched Network:

After having read the definitions of "switched network" and "switching network" from Newton's Telecom Dictionary, the AT&T Reference, and the Federal Standard, I can state that the definition of "switched networks" in the Federal Standard was commonly used in the industry at the time this application was filed. The term "switched networks" meant any switched network – whether private or public. This is also the definition found in the AT&T Reference for a "switching network" which is the same as a "switched network." In the early nineties, the AT&T books were far more accepted by the industry than Newton's Telecom Dictionary. Mr. Newton

was a magazine publisher, not an engineer. Professional engineers relied on the books from AT&T. In conclusion, I would have to disagree with the definition of "switched network" in Newton's book.

Central Distribution Box:

Having been in the pay-per-view industry in the early nineties, I can state that the term "central distribution box" was a common term in the industry and was synonymous with the terms "central distribution point" or "headend."

In the pay-per-view industry, the signals into a facility terminated into a central distribution point or a central distribution box. The broadcast transmission is terminated into the central distribution box. Addition video sources such as videotapes or video services can be added to the signal. A facility with thousands of rooms may distribute different signals to different floors. Many alternative distribution schemes can be deployed, but in each, the central distribution box serves to regenerate the signal. Because individual rooms are ordering premium programming for a fee, the central distribution box must contain a computer because a computer is necessary for tracking, billing and distributing the signals to individual rooms.

Store and Forward Switch

Store and forward switches during the early nineties ranged from simple speed-dialers to complex programmable computers that interfaced and automated other electronic equipment. The specification of the '448 patent refers to both (for instance, see col. 3 lines 17-26 and col. 3 lines 28-58). After reading the claims, one skilled in the art would know that the claims refer to the complex tasks which must be performed by a computer. For instance, in an invention as described in claim 23, the store and forward switch must contain a computer because a computer is necessary for tracking, billing and distributing the signals to individual rooms.

Conclusion

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001b declare that all statements made of my own knowledge are true and correct to the best of my knowledge and belief.

William H. Fuller — 12/11/2002

William H. Fuller — Date